

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

MOTION FOR APPROVAL OF FORM OF NOTICE
AND ORDERS TO SHOW CAUSE

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer, and pursuant to the April 21, 2010 *Scheduling and Procedural Order for the Determination of Priority Dates and Irrigation Water Requirements in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System* (Doc. No. 9689), the States moves the Court to enter its order granting approval of the form of the notice and orders to show cause, and the form objection and response, attached hereto and described below, to be served on defendants with respect to the determination of priority dates and irrigation water requirements in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System:

Exhibit A: Notice and Order to Show Cause to be served on individual subfile defendants. The defendants' names, addresses and other defendant-specific information will be added to the individual notice and orders submitted to the Court.

Exhibit B: Notice and Order to Show Cause to be served on community ditches in the Rio

Nutrias Subsection of Section 3. The names and addresses of the community ditches will be added to the individual notice and orders submitted to the Court.

Exhibit C: Notice and Order to Show Cause to be served on the United States of America.

Exhibit D: Notice and Order to Show Cause for publication.

Exhibit E: Form Objection and Response to Notice and Order to Show Cause.

Counsel for the United States of America, David W. Gehlert, and counsel for the Asociación de Acéquias Norteñas de Rio Arriba do not oppose the granting of this motion.

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting approval of the form of the notice and orders to show cause and the form objection and response attached hereto as Exhibits A through E.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of April, 2010, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville

EDWARD G. NEWVILLE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

Subfile No: XXXX

NOTICE AND ORDER TO SHOW CAUSE

To: [name or names]
[address]
[address]

Subfile No. [XXXX]

Ditch or Acequia: [XXXX]

Priority Dates:

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority date for any other community or private ditch in the Rio Nutrias Subsection of Section 3 ("Nutrias Subsection"). The priority dates proposed for these ditches are:

DITCH	PRIORITY DATE
La Acequia Del Terrero	1888
La Acequia Del Gilberto	1888
Tafoya/Esquibel	1885

Ex A

Esquibel/Valdez	1890
Vega	1878
Ben Valdez	1878
Joe B. Valdez	1895
Espiriano Velasquez	1899
Acequia Perfecto Esquibel	1875
Acequia Pedro Esquibel	1893
Esquibel	1885
Unnamed Ditch No. 2	1885
Unnamed Ditch No. 3	1885
Abeyta	1877
Epifanio Ulibarri	1878
Maes/Sanchez	1882
Luis Sanchez	1882
Martinez/Ulibarri	1882
Salomon Ulibarri	1882
Juan Ulibarri	1882
Emilio Samora	1868
Juan Pablo Samora	1904

These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless you or other individual water rights holders file objections.

Irrigation Water Requirements:

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.13 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.83 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.71 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants

or is evaporated from the soil surface during one calendar year. The term “Farm Delivery Requirement” (“FDR”) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The “Project Diversion Requirement” (“PDR”) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons, you will be notified of the objections and may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes those elements of your water rights and the water rights of other surface water users in the Nutrias Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Nutrias Subsection. Subsequent *inter se* proceedings in the Nutrias Subsection will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Nutrias

Subsection as stated above, you must file the form entitled Objection and Response to Notice and Order to Show Cause with the Court, in person or by mail **FOR RECEIPT NO LATER THAN JULY 31, 2010:**

United States District Court Clerk
106 South Federal Place
Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights in the Nutrias Subsection. If you fail to timely object and attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone
(505) 867-2299 facsimile

or, John W. Utton
Attorney for Asociación de Acéquias
Norteñas de Rio Arriba
Sheehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque, NM 87103-0271
(505) 699-1445 telephone
(505) 842-8890 facsimile

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN
SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

NOTICE AND ORDER TO SHOW CAUSE

To: [community ditch]
[address]
[address]

Priority Dates:

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority dates for any of the community or private ditches in the Rio Nutrias Subsection of Section 3 ("Nutrias Subsection"), including the priority date of any individual irrigation water rights under those ditches, as described below:

DITCH	PRIORITY DATE
La Acequia Del Terrero	1888
La Acequia Del Gilberto	1888
Tafoya/Esquibel	1885
Esquibel/Valdez	1890
Vega	1878
Ben Valdez	1878

Ex B

Joe B. Valdez	1895
Espiriano Velasquez	1899
Acequia Perfecto Esquibel	1875
Acequia Pedro Esquibel	1893
Esquibel	1885
Unnamed Ditch No. 2	1885
Unnamed Ditch No. 3	1885
Abeyta	1877
Epifanio Ulibarri	1878
Maes/Sanchez	1882
Luis Sanchez	1882
Martinez/Ulibarri	1882
Salomon Ulibarri	1882
Juan Ulibarri	1882
Emilio Samora	1868
Juan Pablo Samora	1904

These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless you or other parties file objections.

Irrigation Water Requirements:

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.13 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.83 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.71 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery

Requirement” (“FDR”) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The “Project Diversion Requirement” (“PDR”) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons, you will be notified of the objections and may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Nutrias Subsection as described above. If you disagree, you must follow the instructions below.

In the absence of any objections, you will have no other opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Nutrias Subsection, and subsequent *inter se* proceedings in the Nutrias Subsection will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as stated above, you must file a written objection with the Court. You must file your

objection, if any, with the Federal District Court by **July 31, 2010**.

United States District Court Clerk
106 South Federal Place
Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN
SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

NOTICE AND ORDER TO SHOW CAUSE

To: United States of America
David W. Gehlert, Esq.
United States Department of Justice
Environmental and Natural Resources Section
1961 Stout Street, Floor 8
Denver, CO 80294

Priority Dates:

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority dates for any of the community or private ditches in the Rio Nutrias Subsection of Section 3 ("Nutrias Subsection"), including the priority date of any individual irrigation water rights under those ditches, as described below:

DITCH	PRIORITY DATE
La Acequia Del Terrero	1888
La Acequia Del Gilberto	1888
Tafoya/Esquibel	1885

Ex. C

Esquibel/Valdez	1890
Vega	1878
Ben Valdez	1878
Joe B. Valdez	1895
Espiriano Velasquez	1899
Acequia Perfecto Esquibel	1875
Acequia Pedro Esquibel	1893
Esquibel	1885
Unnamed Ditch No. 2	1885
Unnamed Ditch No. 3	1885
Abeyta	1877
Epifanio Ulibarri	1878
Maes/Sanchez	1882
Luis Sanchez	1882
Martinez/Ulibarri	1882
Salomon Ulibarri	1882
Juan Ulibarri	1882
Emilio Samora	1868
Juan Pablo Samora	1904

These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless you or other parties file objections.

Irrigation Water Requirements:

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.13 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.83 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.71 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants

or is evaporated from the soil surface during one calendar year. The term “Farm Delivery Requirement” (“FDR”) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The “Project Diversion Requirement” (“PDR”) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons, you will be notified of the objections and may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Nutrias Subsection as described above. If you disagree, you must follow the instructions below.

In the absence of any objections, you will have no other opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Nutrias Subsection, and subsequent *inter se* proceedings in the Nutrias Subsection will not include the opportunity to object to those determinations.

Notwithstanding the above, the United States shall have no obligation to raise an objection to the determination of priority dates and irrigation water requirements described above in its capacity

as trustee for the benefit of Ohkay Owingeh (Pueblo of San Juan) or any other Indian nation. Any such objection may be raised during stream system wide *inter se* proceedings or other applicable *inter se* proceedings as may be ordered by the Court.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as stated above, you must file a written objection with the Court. You must file your objection, if any, with the Federal District Court by **July 31, 2010**. If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN
SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

NOTICE AND ORDER TO SHOW CAUSE

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE
THE SURFACE OR UNDERGROUND WATERS OF THE RIO NUTRIAS SUBSECTION OF
SECTION 3 OF THE RIO CHAMA STREAM SYSTEM

AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE SURFACE
WATER FOR IRRIGATION PURPOSES IN THE RIO NUTRIAS SUBSECTION OF SECTION
3 OF THE RIO CHAMA STREAM SYSTEM AND WHOSE NAMES APPEAR BELOW:

<u>DEFENDANT</u>	<u>ACEQUIA OR DITCH</u>	<u>PRIORITY</u>
Antonio Esquibel	La Acequia Del Terrero	1888
Juan R. Montano	La Acequia Del Terrero	1888
Antonio Esquibel	La Acequia Del Gilberto	1888
Anthony G. Tafoya	Tafoya/Esquibel	1885
Anthony G. Tafoya II	Tafoya/Esquibel	1885
Chris E. Tafoya	Tafoya/Esquibel	1885
Louis R. Tafoya	Tafoya/Esquibel	1885
Lucia A. Montoya	Tafoya/Esquibel	1885
Robert J. Montoya	Tafoya/Esquibel	1885
Joe B. Valdez	Esquibel/Valdez	1890

EX. D

Domitilia L. Ulibarri	Vega	1878
Feliberto Ulibarri	Vega	1878
Joann Valdez	Vega	1878
Joe B. Valdez	Vega	1878
Juan R. Montano	Vega	1878
Lucia A. Montoya	Vega	1878
Robert J. Montoya	Vega	1878
Joann Valdez	Ben Valdez	1878
Joe B. Valdez	Ben Valdez	1878
Justiano Valdez	Ben Valdez	1878
Margie Atencio	Ben Valdez	1878
Silviano Atencio	Ben Valdez	1878
Abel Valdez	Joe B. Valdez	1895
Joe B. Valdez	Joe B. Valdez	1895
Estanislao Roybal	Espiriano Velasquez	1899
Lucia Roybal	Espiriano Velasquez	1899
Margie Atencio	Espiriano Velasquez	1899
Silviano Atencio	Espiriano Velasquez	1899
Antonio Esquibel	Acequia Perfecto Esquibel	1875
Juan R. Montano	Acequia Perfecto Esquibel	1875
Lucia A. Montoya	Acequia Perfecto Esquibel	1875
Robert J. Montoya	Acequia Perfecto Esquibel	1875
Arturo Esquibel	Acequia Pedro Esquibel	1893
Lucia A. Montoya	Acequia Pedro Esquibel	1893
Robert J. Montoya	Acequia Pedro Esquibel	1893
Anthony G. Tafoya	Esquibel	1885
Anthony G. Tafoya II	Esquibel	1885
Arturo Esquibel	Esquibel	1885
Juan R. Montano	Esquibel	1885
Juan R. Montano Rev. Trust	Esquibel	1885
Louis R. Tafoya	Esquibel	1885
Lucia A. Montoya	Esquibel	1885
Robert J. Montoya	Esquibel	1885
Anthony G. Tafoya II	Unnamed Ditch No. 2	1885
Juan R. Montano Rev. Trust	Unnamed Ditch No. 2	1885

Anthony G. Tafoya II	Unnamed Ditch No. 3	1885
Jose D. Eturriaga	Abeyta	1877
Jose M. Abeyta	Abeyta	1877
Jose D. Eturriaga	Epifanio Ulibarri	1878
Estate of Elsie Chang	Maes/Sanchez	1882
Jose D. Eturriaga	Maes/Sanchez	1882
Orlando Ulibarri	Maes/Sanchez	1882
Phil Sanchez	Maes/Sanchez	1882
Robert J. Ulibarri	Maes/Sanchez	1882
Estate of Elsie Chang	Luis Sanchez	1882
Leroy Martinez	Luis Sanchez	1882
Orlando Ulibarri	Luis Sanchez	1882
Phil Sanchez	Luis Sanchez	1882
Harold Ulibarri	Martinez/Ulibarri	1882
Leroy Martinez	Martinez/Ulibarri	1882
Robert J. Ulibarri	Martinez/Ulibarri	1882
Harold Ulibarri	Solomon Ulibarri	1882
Napoleon L. Ulibarri	Solomon Ulibarri	1882
Napoleon L. Ulibarri	Juan Ulibarri	1882
Jose D. Eturriaga	Emilio Samora	1868
Jose D. Eturriaga	Juan Pablo Samora	1904

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority dates for any other community or private ditch in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System ("Nutrias Subsection") as described above.

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.13 acre-feet per acre per annum.

- b. The farm delivery requirement (FDR) is 2.83 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.71 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The "Project Diversion Requirement" ("PDR") or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons you may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Nutrias Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Nutrias Subsection. Subsequent *inter se* proceedings in the Nutrias Subsection will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as stated above, you must file your objection with the Court, in person or by mail **FOR RECEIPT NO LATER THAN July 31, 2010:**

United States District Court Clerk
106 South Federal Place
Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and

pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

or,

John W. Utton
Attorney for Asociación de Acéquias Norteñas de Rio Arriba
Sheehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque, NM 87103-0271
(505) 699-1445 telephone
(505) 842-8890 facsimile

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN
SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

OBJECTION AND RESPONSE TO NOTICE AND ORDER TO SHOW CAUSE

I have been served with the Notice and Order to Show Cause concerning the determination of priorities and irrigation water requirements in the adjudication of the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System. I object to (check all that apply):

_____ The priority date proposed for my water right.

_____ The priority date proposed for any other water right.

Please describe this water right or ditch _____

_____ The irrigation water requirements proposed for water rights in the Rio Nutrias Subsection.

I understand that I will be notified of a mandatory scheduling and pretrial conference.

PLEASE PRINT CLEARLY:

FULL NAME(s): _____ Subfile No. _____

MAILING ADDRESS: _____

TELEPHONE NO.: _____

SIGNED: _____ DATE: _____

MAIL OR DELIVER FOR RECEIPT NO LATER THAN JULY 31, 2010 TO:

United States District Court
106 South Federal Place
Santa Fe, NM 87501

Ex. E